

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Gary P. Shimun, Town Administrator

**PREPARED BY:** Russell C. Muniz, MBA, CMC, Town Clerk

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** Town-Wide

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE BROWARD COUNTY SIXTH CENT LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Broward County collects local option gasoline taxes and distributes these funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% Municipal. The Municipal distribution is calculated in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population", published by the Bureau of Economics & Business Research, Population Division, University of Florida. The current incorporated area population formula reflects a population of 93,428 and an increased distribution percentage from 1.937220 to 2.000035%.

**PREVIOUS ACTIONS:** R-2004-097, R-2005-145, R-2006-150, and R-2007-136.

**CONCURRENCES:** Requires execution by the County.

**FISCAL IMPACT:** not applicable

Has request been budgeted? Yes

Additional Comments: Gas tax funds support roadway construction and maintenance operations within the Town.

**RECOMMENDATION(S):** Motion to approve the resolution.

**Attachment(s):** Resolution, 2008 Amendment to Interlocal Agreement.

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE BROWARD COUNTY SIXTH CENT LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 14, 1988, the Broward County Board of County Commissioners approved a 30 year extension of the six cent Local Option Gas Tax; and

WHEREAS, the distribution of these funds is adjusted annually to reflect Population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the 2007 Amendment to receive a distribution of these funds.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

---

TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

2008 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

«TOWN OF DAVIE»

providing for

DIVISION AND DISTRIBUTION OF THE  
PROCEEDS OF THE LOCAL OPTION GAS  
TAX IMPOSED BY THE BROWARD COUNTY  
LOCAL OPTION GAS TAX ORDINANCE

This is the 2008 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

«Town of Davie», a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "TOWN OF DAVIE."

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the counties to extend the levy of the six (6) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 14, 1988, the Board of County Commissioners enacted Ordinance No. 88-27, effective September 1, 1988, through August 31, 2018, pursuant to Section 336.025(1)(a), Florida Statutes, extending the levy of the six cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to the ordinance, the method for distribution of the proceeds is the execution of an interlocal agreement with one or more of the municipalities representing a majority of the population of the incorporated area within

the county which establishes the distribution formulas for dividing the proceeds of the tax among the county and all eligible municipalities within the county, as set forth in Section 336.025(3)(a)1, Florida Statutes; and

WHEREAS, paragraph 4 of the Interlocal Agreement, as amended by the Addendum to the Interlocal Agreement and the prior amendments, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and TOWN OF DAVIE agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as amended by the Addendum thereto and the prior amendments, is amended to read as follows:

2. Sixty-two and Five tenths percent (62.5%) of said Local Option Gas Tax proceeds shall be distributed to the COUNTY, and the remaining Thirty-seven and Five tenths percent (37.5%) shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

Population of Town of Davie x 37.5% =  
Total Incorporated Area Population

<b>Recipient</b>	<b>FY 2009 Percent Share of Proceeds</b>
Coconut Creek	1.031979%
Cooper City	0.640482%
Coral Springs	2.777932%
Dania	0.632027%
Davie	2.000035%
Deerfield Beach	1.623289%
Fort Lauderdale	3.852682%
Hallandale	0.817607%
Hillsboro Beach	0.047588%
Hollywood	3.060015%
Lauderdale-by-the-Sea	0.132639%
Lauderdale Lakes	0.691753%
Lauderhill	1.375650%
Lazy Lake	0.000878%
Lighthouse Point	0.234709%
Margate	1.191548%
Miramar	2.391295%

North Lauderdale	0.904863%
Oakland Park	0.900838%
Parkland	0.495856%
Pembroke Park	0.124547%
Pembroke Pines	3.272910%
Plantation	1.827086%
Pompano Beach	2.164871%
Sea Ranch Lakes	0.015670%

<b>Recipient</b>	<b>FY 2009 Percent Share of Proceeds</b>
Southwest Ranches	0.181127%
Sunrise	1.918795%
Tamarac	1.285847%
Weston	1.332237%
West Park	0.298203%
Wilton Manors	0.275042%
<b>Total Incorporated</b>	<b>37.500000%</b>

2. The population figures set forth herein are based on the most current edition of Florida Estimates of Population, published by the Bureau of Economics and Business Research, Population Division, University of Florida. In accordance with the population figures, paragraph 3 of the Interlocal Agreement, as amended by the Addendum thereto and the prior amendments, is amended to read as follows:

<b>Recipient</b>	<b>FY 2009 Population</b>
Coconut Creek	48,207
Cooper City	29,919
Coral Springs	129,766
Dania	29,524
Davie	93,428
Deerfield Beach	75,829
Fort Lauderdale	179,971
Hallandale	38,193
Hillsboro Beach	2,223
Hollywood	142,943
Lauderdale-by-the-Sea	6,196
Lauderdale Lakes	32,314
Lauderhill	64,261
Lazy Lake	41
Lighthouse Point	10,964
Margate	55,661
Miramar	111,705
North Lauderdale	42,269
Oakland Park	42,081
Parkland	23,163
Pembroke Park	5,818
Pembroke Pines	152,888
Plantation	85,349



Pompano Beach	101,128
Sea Ranch Lakes	732

<b>Recipient</b>	<b>FY 2009 Population</b>
Southwest Ranches	8,461
Sunrise	89,633
Tamarac	60,066
Weston	62,233
West Park	13,930
Wilton Manors	12,848
<b>Total Incorporated</b>	<b>1,751,744</b>
<b>Unincorporated Area</b>	<b>13,963</b>
<b>Total County</b>	<b>1,765,707</b>

3. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2008 Amendment and the prior amendments, the parties hereby agree that this document shall control.

4. This 2008 Amendment shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this 2008 Amendment prior to June 1, 2008.

5. This 2008 Amendment may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

6. In the event a portion of this 2008 Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

IN WITNESS WHEREOF, the parties have made and executed this 2008 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and TOWN OF DAVIE, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY

COMMISSIONERS

\_\_\_\_\_  
County Administrator and Ex-Officio

By

\_\_\_\_\_  
Clerk of the Board of County  
Commissioners of Broward County,  
Florida

Mayor

\_\_\_\_ day of \_\_\_\_\_, 2008.

Attorney

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
JEFFREY J. NEWTON, County

Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By \_\_\_\_\_

Al A. DiCalvo  
Assistant County Attorney

2008 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD  
COUNTY AND «TOWN OF DAVIE» PROVIDING FOR DIVISION AND  
DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE  
BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

**TOWN OF DAVIE**

WITNESSES:

«Town of Davie»

\_\_\_\_\_

By

\_\_\_\_\_

Mayor

\_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_,  
2008.

ATTEST:

By \_\_\_\_\_

\_\_\_\_\_

Town Clerk

—

Town Administrator

\_\_\_\_\_ day of \_\_\_\_\_,

2008.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By

\_\_\_\_\_

Town Attorney